

Andover Conservation Commission Meeting Minutes

February 7, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room A
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Commissioner Fran Fink, Commissioner Floyd Greenwood, Commissioner Alix Driscoll, and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

ACTION ITEMS

Temporary Cessation of Reporting

Vote to modify or not the language regarding temporary cessation of consultant's reports.

Commissioner Greenwood presented a proposed revision to the boiler plate language regarding the request for cessation of reporting to the Commission by Consultants. The proposed suggested wording eliminates potential conflicts of interest. The present wording vs. modified wording was discussed among Commission and Staff. Commissioner Greenwood suggested the wording to read, "The applicant must request approval for temporary cessation of reports in writing prospectively. This request must have the approval of an Agent for the Commission." Agent Cleary would like the option to check with the consultants on requests for Temporary Cessation of Reporting.

Commissioner Porter made a Motion to approve the change of wording in the boiler plate language for the Order of Conditions when requesting a Temporary Cessation of Inspection Reports as stated by Commissioner Greenwood above; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA

Minutes

Minutes for Meetings of January 11, 2012, were reviewed as revised by Commissioner Driscoll. The Minutes were tabled to allow time to for additional revisions by Commissioner Fink.

DISCUSSION ITEMS/VOTE

Limitation on Clear Cutting in Buffer Zone

The Commission reviewed existing Town and State regulations concerning regulation of work in buffer zones, particularly with respect to limitations on tree cutting. Commission discussed the value and rational objectives for keeping some of these trees. Commissioner Fink presented a

memorandum to the Commission comparing regulations by the State, and for the Town of Andover, Town of Reading, and Town of Sudbury. Discussion included distances and setback requirements and some possible internal inconsistencies in the By-Law and Regulations for the Town of Andover. Consideration should be given to sandy soils, slopes >15%, vegetation vs. wildlife habitat and pavement when considering tree cutting. Commissioner Greenwood discussed his idea to set a minimum standard for no-cut zones, with additional protection for trees in the buffer zone that are outside of the no-cut zone. Director Douglas was asked to talk to the Town of Sudbury about their experience, objectives, and problems in applying their regulations, and then report back the Commission. Agent Cleary suggested that an e-mail should be sent to consultant Jeff Bridge as to how to look at applications from an objective and scientific view. Special attention needs to be given to Section 11 per Commissioner Fink. The Commission will continue the discussion at a later date.

UMass Keystone Project

The Commission reviewed an invitation for those wanting to participate in the Keystone Project, a workshop about land management. A candidate that was suggested by Commission was Robert Decelle. The application was missing the workshop date. Mr. Douglas will look into the date with UMass and distribute the information to the Commission.

Rolling Green Comprehensive Permit & Appeal of ORAD to DEP under Act Only

DEP File #090-1143

Director Douglas stated that the ORAD was appealed to DEP. A site walk was conducted last week, and the applicant's engineer submitted a sketch plan and information on how he calculated the flood volume of the southern ponded area. The Commission will send comments to DEP and question the calculations

The Commission also received a one-sheet layout site plan for the proposed Comprehensive Permit development that will be considered at the Joint ZBA and Conservation Meeting on February 15, 2012 at 7:00 pm. They also received a memorandum from Bob Golledge, wetlands consultant, prepared for the ZBA meeting, stating his opinion about the nature of the southern ponded area.

30 & 40 Shattuck Road Comprehensive Permit and Appeal of ORAD to DEP

Superseding Order of Resource Delineation by DEP for 30 & 40 Shattuck Road determining Intermittent Stream is a Drainage Channel and is not regulated under the ACT. **DEP #090-1137**

The Commission reviewed the SORAD issued by DEP, which found that the ditch along the side of the road was not an intermittent stream. DEP also found that detention basins on site were not wetlands. The neighbor who appealed the original ORAD has appealed the SORAD. The Commission discussed the relevance to the By-Law. Mr. Douglas had reviewed site plans for the area and agreed on the lack of wetlands upgradient. It was decided that it is not worth fighting DEP's decision.

The Commission also received a one-sheet layout site plan for the proposed Comprehensive Permit development that will be considered at the Joint ZBA and Conservation Meeting on February 15, 2012 at 7:00 pm.

Newport Circle and 6 Newport Circle

Vote to correct approved minutes of October 4, 2011

The Commission reviewed a request to correct approved minutes of October 4, 2011, regarding Newport Circle and 6 Newport Circle from "Commissioner Greenwood made a Motion to close the public hearing and deny the request to Amend the Subdivision allowing after fact clearing..." to "Commissioner Greenwood made a Motion to close the public hearing and deny the Request for an Amendment to the Order of Conditions allowing after the fact clearing". DEP File # 090-0801 & #090-1038

Commissioner Floyd Greenwood made a Motion to correct the Minutes as requested; seconded by Commissioner Alix Driscoll. The motion passed by a vote of 4 in favor, with Commissioner Fran Fink abstaining.

Rogers Brook Area Sewage Works Improvements

Issuance of a Certificate of Compliance for the Rogers Brook Area Sewage Works Improvements. DEP #090-0805

Commissioner Porter made a motion to approve issuance of a Certificate of Compliance; seconded by Commissioner Driscoll; and unanimously approved.

Memorandum 2012 Massachusetts Municipal Association

Memorandum from Town Counsel (Thomas J. Urbelis, Esq.)

The Commission reviewed a Memorandum from Town Counsel (Thomas J. Urbelis, Esq.), Amicus Curiae Brief Coordinator for the Massachusetts City Solicitors and Town Counsel Association, of which Town Counsel was the author or co-author of 21 of the 24 briefs filed with the appellate courts in the cases which are listed in the memorandum. This was given for informational purposes only.

MACC Annual Environmental Conference

Final Call to register for the MACC Annual Conference on March 3, 2012.

Registration is required for attendance at MACC Annual Environmental Conference on Saturday, March 3, 2012 (College of the Holy Cross- Worcester). Commissioners interested in attending will must get their registration forms to staff. Commissioner Floyd Greenwood would like go and submitted his application.

Overseers Meeting

May 8, 2012 (Tuesday)

Commissioner Porter informed the Commission that the Annual Conservation Overseers Meeting will be on May 8, 2012 at the Memorial Library from 7: 00 p.m. – 9:00 p.m. Suggestions on potential speakers could be the Mass Audubon Society. The topic could be merits on forests vs. meadows.

The next meeting will be held at 7:45 p.m. on February 21, 2012. The meeting was adjourned at 9:05 p.m. by Motion of Commissioner Porter it, was seconded by Commissioner Greenwood and unanimously approved.

Respectfully submitted by:

Wendy Adams

Recording Secretary